



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information (202) 418-0500. Recorded listing of releases and texts (202) 418-2222.

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FCC ISSUES PROCEDURES, TERMS AND CONDITIONS FOR JANUARY 13, 1997 AUCTION OF CELLULAR UNSERVED PHASE I AND PHASE II SERVICE AREAS

This Public Notice is intended to serve as the information in place of a Bidder Information Package.

Part I. INTRODUCTION

A. Synopsis

Licenses to be Auctioned:

- Twenty-five Cellular Unserved Phase I licenses
- Two Cellular Unserved Phase II licenses

Licenses will authorize service on 25 MHz of spectrum over unserved areas in specified Metropolitan Statistical Areas (MSAs) and Rural Statistical Areas (RSAs) in the continental United States located on frequency block A or B in the bands 824-849 MHz paired with 869-894 MHz. A list of the licenses and those eligible to apply for each market is provided in Attachment A.

NOTE: Participation in this auction is limited to those entities that previously filed an FCC Form 464 or 464-A.

Auction Date: The Cellular Unserved Phase I and Phase II service area auction will commence at 9:00 a.m. Eastern Time (ET) on January 13, 1997. The precise schedule for bidding in the first week will be announced by Public Notice prior to the start of the auction. Unless otherwise announced, bidding will be conducted on each business day until bidding has stopped on all available unserved MSA and RSA licenses.

Auction Number: The Cellular Unserved Phase I and II service area auction will be the twelfth auction scheduled by the FCC and will be referred to as Auction No. 12.

Bidding Methodology: Simultaneous multiple round bidding. Bidding in this auction will be permitted only from remote locations, either electronically (by computer) or telephonically.

Pre-Auction Deadlines:

- Short-Form Application (FCC Form 175) . . . 5:30 p.m., ET, December 16, 1996
- Upfront Payments:
 - Wire Transfer6:00 p.m., ET, December 16, 1996
 - Cashier's Check 11:59 p.m., ET, December 16, 1996
- Orders for Electronic Bidding Software 11:59 p.m., ET, January 3, 1997

Telephone Contacts:

- FCC Wireless Telecommunications Bureau 1-800-322-1117
- FCC Technical Support Hotline (202) 414-1250

List of Attachments :

- **ATTACHMENT A:** Summary of Licenses to be Auctioned and List of Those Eligible to Apply for Each Market
- **ATTACHMENT B:** Guidelines for Completing FCC Form 175 and Electronic Filing of FCC Form 175
- **ATTACHMENT C:** Upfront Payments: Instructions for Completing FCC Remittance Advice, FCC Form 159
- **ATTACHMENT D:** How to Monitor the FCC Auctions On-line
- **ATTACHMENT E:** Associated Fees and Ordering Instructions for the FCC Remote Electronic Access System Software
- **ATTACHMENT F:** Important FCC Documents

B. Auction Schedule

The FCC plans to begin the auction on Monday, January 13, 1997. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding will be conducted on each business day until bidding has stopped on all licenses.

NOTE: During the auction, bidding will be permitted only from remote locations, either telephonically or electronically by computer.

C. Participation in the Auction

Only those applicants who timely filed FCC Form 464 or 464-A applications will be able to participate in this auction. Those applicants are limited to seeking bidding eligibility only on licenses designated on their FCC Form 464 or 464-A applications (see Eligibility to Bid in the Cellular

Unserved Auction - Part II). Those seeking eligibility to bid in this auction must submit a "short-form" application on FCC Form 175. The FCC Form 175 must be completed and filed as described in Attachment B, and must be received at the Commission's Gettysburg office no later than 5:30 p.m. ET on December 16, 1996. In the event that mutual exclusivity does not exist with respect to a license identified on an applicant's FCC Form 175, the Commission will cancel the auction for that license. The Commission may grant the applicant's FCC Form 464 or 464-A application.

Applicants are strongly encouraged to file their FCC Form 175 electronically, although manual filing (via hard copy) will be permitted. Electronic filing enables applicants to receive interactive feedback while completing the application, and immediate acknowledgement that the FCC Form 175 has been submitted for filing. In addition, **only those applicants who file applications electronically will have the option of bidding either electronically or telephonically**; applicants who file their applications manually will be permitted to bid only telephonically. General filing information and detailed instructions regarding electronic filing are set forth in Attachment B.

Applicants are also required to submit an upfront payment and an FCC Remittance Advice (FCC Form 159), as detailed in Attachment C. The upfront payment must be made in U.S. dollars by wire transfer or cashier's check payable to the "Federal Communications Commission" or "FCC", and must be received at Mellon Bank in Pittsburgh, Pennsylvania, no later than December 16, 1996. **No other form of payment will be accepted.**

D. Anti-Collusion Rule

To ensure competitiveness of the auction process, the FCC's rules prohibit applicants for the same RSA and MSA areas from communicating with each other during the auction about bids, bidding strategies or settlements. This prohibition begins with the filing of short-form applications, and ends when winning bidders submit initial down payments. The prohibition does not apply, however, where applicants enter into a bidding agreement before filing their short-form applications, and disclose such an existence of the agreement in the short-form application. See 47 C.F.R. § 1.2105(c); "Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules," *Public Notice*, DA 95-2244 (released October 26, 1995); "Wireless Telecommunications Bureau Provides Guidance on the Anti-Collusion Rule for D, E and F Block Bidders," *Public Notice*, DA 96-1460 (released August 28, 1996).

E. Bidder Alerts

The Terms contained in the FCC's rules, report and orders, public notices, and in this Public Notice are not negotiable. Prospective bidders should review these auction documents thoroughly prior to the auction to make certain that they understand all of the provisions and are willing to be bound by all of the Terms before making any bid.

All applicants must certify under penalty of perjury on their FCC Form 175 applications that they are legally, technically, financially and otherwise qualified to hold a license. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

As is the case with many business investment opportunities, some unscrupulous entrepreneurs

may attempt to use auctions to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- ☞ The first contact is a "cold call" from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.
- ☞ The offering materials used to invest in the venture appear to be targeted at IRA funds, for example by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- ☞ The amount of the minimum investment is less than \$25,000.
- ☞ The sales representative makes verbal representations that (a) the IRS, FTC, SEC, FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

The Commission does not approve any individual investment proposal, nor does it provide a warranty with respect to any license being auctioned. Potential applicants and investors are reminded that winning a cellular unserved license in this auction is not a guarantee of success in the marketplace.

Information about deceptive telemarketing investment schemes is available from the Federal Trade Commission (FTC) at 202-326-2222 and from the Securities and Exchange Commission (SEC) at 202-942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at 800-876-7060. Consumers who have concerns about specific investment proposals may also call the FCC Wireless Consumer Assistance Branch at 800-322-1117.

F. Additional Auction Information

The FCC may amend or supplement the information contained in this Public Notice. The FCC will issue public notices to convey new or supplemental information to prospective bidders. Prospective bidders are responsible for maintaining a current understanding of all FCC rules and public notices pertaining to this auction. Copies of FCC documents, including public notices, may be obtained for a fee by calling the FCC's copy contractor, International Transcription Services, Inc. at 202-857-3800. Additionally, prospective bidders may retrieve many of these documents from the FCC Internet node via anonymous FTP @ <ftp.fcc.gov> or the FCC World Wide Web site at <http://www.fcc.gov>. For further assistance, consult the list of important telephone numbers included in Part I.

The remainder of this section on Auction Procedures, Terms and Conditions is organized in four parts:

- Part II: Eligibility to Bid in the Cellular Unserved Auction
- Part III: Pre-Auction Procedures
- Part IV: Auction Event
- Part V: Post-Auction Procedures

NOTE: This Public Notice is only a summary, and is not comprehensive. Applicants should refer to relevant Commission orders and rules for a more thorough understanding of our requirements.

Part II. ELIGIBILITY TO BID IN THE CELLULAR UNSERVED AUCTION

A. General Eligibility Criteria

Initial cellular systems operators were given a five-year period during which to expand their systems within Metropolitan Statistical Areas (MSAs) and Rural Statistical Areas (RSAs) in which they are licensees. We adopted an application processing scheme that has two phases for all cellular markets in which the five-year build-out period has expired or will expire in the future. Phase I is a one-time process that provides an opportunity for eligible parties to file competing applications for authority to operate a new cellular system in, or to expand an existing cellular system into, unserved areas as soon as these areas become available. Phase I applications must be filed on the 31st day after the expiration of the five year build-out period. See 47 C.F.R. § 22.949(a). Phase II is an ongoing process that allows eligible parties to apply for any unserved areas that may remain in a market after the Phase I process is complete. Thus, the cellular unserved areas were created from the geographic area not covered by the Cellular Geographic Service Area (CGSA) of each licensee on each frequency block at the close of the five-year build-out period. This auction is for licenses that have reached the Phase I or Phase II period.

In the *Ninth Report and Order*, the FCC adopted auction rules for mutually exclusive applications for Cellular Unserved Phase I and Phase II service areas filed after July 26, 1993. In adopting these rules, we reiterated our goals for the provision of service in unserved areas: (1) fostering the creation of seamless and integrated nationwide cellular service, so that subscribers can receive high quality cellular service throughout the nation, and (2) making cellular service available to the public as expeditiously as possible.

Only those applicants who timely filed a FCC Form 464 or 464-A for Phase I or Phase II unserved areas for a particular MSA or RSA will be eligible to participate in this auction. A list of cellular unserved licenses and those eligible to participate in the auction for each license are listed in Attachment A.

Part III: PRE-AUCTION PROCEDURES

A. Short-Form Application (FCC Form 175) – Due December 16, 1996

Those able to participate in the Cellular Unserved Phase I and Phase II service area auction must submit FCC Form 175 in accordance with the Commission's rules and instructions provided in this Public Notice.

NOTE: The FCC Form 175 application must be received either manually or electronically by 5:30 p.m. ET on December 16, 1996. Late applications will not be accepted.

There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant will have to submit an upfront payment as explained below.

(1) Filing Options

Auction applicants are strongly encouraged to file their applications electronically, in order to take advantage of the greater efficiencies and convenience of electronic filing, bidding and access to bidding data. For example, electronic filing enables the applicant to: (a) receive interactive feedback while completing the application, and (b) receive immediate acknowledgement that the FCC Form 175 has been submitted for filing. In addition, only those applicants who file electronically will have the option of bidding electronically. However, manual filing (via hard copy) is also available, but **manual filers will not be permitted to bid electronically**. The following is a brief description of each filing method.

(a) Electronic Filing

Applicants wishing to file electronically may generally do so on a 24-hour basis beginning approximately with the release of this Public Notice. All the information required to file the FCC Form 175 electronically (*i.e.*, software, help files and configuration samples) will be available over both the Internet and the FCC's Bulletin Board System ("BBS"). Information about electronic filing is included in Attachment B of this Public Notice.

(b) Manual Filing

Auction applicants will be permitted to file their FCC Form 175 applications in hard copy, with microfiche or 3.5-inch diskette attachments if applicable. An FCC Form 175 can be obtained from the FCC Forms room, 1919 M Street, Room L-17, Washington, DC 20554 or call the hotline at 1-800-322-1117. **Manual filers must verify that they are using FCC Form 175 marked "October 1995" in the lower right corner. Earlier versions of the form will not be accepted for filing.**

Manual applications may be submitted by hand delivery (including private "overnight" courier), or by U.S. mail (certified mail with return receipt recommended). They must be addressed to:

FCC Form 175 Filing, Auction No. 12
Federal Communications Commission
Office of Operations
1270 Fairfield Road
Gettysburg, PA 17325-7245

NOTE: Manual applications delivered to any other location will not be accepted.

(2) Completion of FCC Form 175

Applicants should carefully review 47 C.F.R. §§ 1.2105, and must complete all items on the FCC Form 175 (and 175-S, if applicable). As a convenience to applicants, an FCC Form 175 and guidelines for completing the FCC Form 175 and an explanation of exhibits are included in Attachment B.

Failure to sign a manually filed FCC Form 175 or to submit the required ownership information (for both electronic and manual filers) will result in dismissal of the application and inability to participate in the auction. Only original signatures will be accepted for manually filed applications.

B. Application Processing and Minor Corrections

After the deadline for filing FCC Form 175 applications has passed, the FCC will process all timely filed applications to determine which are acceptable for filing. It will then issue a public notice listing those applications accepted for filing (including FCC account numbers and the licenses applied for), those rejected, those which have minor defects that may be corrected, and announcing the deadline for filing corrected applications.

As described more fully in our rules, **after the December 16, 1996 short-form filing deadline applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (e.g., change their license selections, change the certifying official, change control of the applicant, or sign the application).**

C. Upfront Payments – Due December 16, 1996

In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice (FCC Form 159). All upfront payments must be received at Mellon Bank in Pittsburgh, Pennsylvania, by **December 16, 1996**, at the time specified below (which depends on method of payment).

Please note that:

- **All payments must be made in U.S. dollars.**
- **All payments must be made by wire transfer (preferred method) or cashier's check, and payable to the "Federal Communications Commission" or "FCC." No personal checks, credit card payments, or other form of payment will be accepted.**
- **Upfront payments for Auction 12 go to a different lockbox number from the one used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.**
- **Failure to deliver the upfront payment by the deadline specified below will result in dismissal of the application and disqualification from participation in the auction.**

(1) Wire Transfers

The FCC strongly encourages applicants to make their upfront payments by wire transfer, which experience has shown provides the greatest reliability and efficiency. Wire transfer payments must be received by **6:00 p.m. ET on December 16, 1996**. To avoid untimely payments, applicants should discuss arrangements (including bank operating schedules) with their bankers several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261

Receiving Bank: Mellon Pittsburgh

BNF: FCC/AC--910-0198

OBI Field: (Skip one space between each information item)

"AUCTIONPAY"

FCC ACCOUNT NO. (same as FCC Form 159, Block 1)

PAYMENT TYPE CODE (same as FCC Form 159, Block 14A: "ACCU")

FCC CODE (same as FCC Form 159, Block 17A: "12")

PAYOR NAME (same as FCC Form 159, Block 3)

LOCKBOX NO. 358410

Note: The BNF and Lockbox No. are specific to the upfront payments for the Cellular Unserved Phase I and Phase II service area auction. Do not use BNF or Lockbox numbers from previous auctions.

Applicants making upfront payments by wire transfer must fax a completed FCC Form 159 to Mellon Bank at 412-236-5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write "Wire Transfer - Auction Payment for Auction Event #12."

(2) Cashier's Checks

Cashier's checks must be drawn on financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation, and must be received by **11:59 p.m. ET on December 16, 1996**. Each bidder should submit a single check and FCC Form 159 covering its entire upfront payment. But if payments for more than one bidder are sent together, each bidder's check and the associated FCC Form 159 must be in a separate inside envelope.

For delivery by U.S. Postal Service, send cashier's checks and accompanying FCC Form 159s to:

Mellon Bank

Attn: Upfront Auction Payments - Auction #12

P.O. Box 358410

Pittsburgh, PA 15251-5410

For delivery in person or by courier or messenger service, send cashier's checks and accompanying FCC Form 159s to:

Mellon Bank

Attn: Wholesale Lockbox Shift Supervisor
27th Floor (153-2713)
3 Mellon Bank Center
525 William Penn Way
Pittsburgh, PA 15259-0001

(NOTE: Please indicate on the inside envelope "Lockbox No. 358410.")

(3) FCC Form 159

Each upfront payment must be accompanied by a completed FCC Remittance Advice (FCC Form 159). Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. A sample FCC Form 159 and instructions for making upfront payments are contained in Attachment C.

(4) Amount of Upfront Payment

We are establishing a uniform, upfront payment amount of \$5,000.00 per license. A bidder may file applications for every license being auctioned, but its upfront payment should reflect the maximum number of licenses it seeks to win. For purposes of the activity rule (discussed in Part IV of this Public Notice), each license will be assigned 5,000 bidding units. Thus, for example, if a bidder submits an upfront payment for three licenses, its maximum eligibility will be 15,000 bidding units.

NOTE: An applicant may, on its FCC Form 175, apply for every license for which it is eligible (see Attachment A - List of Those Eligible to Apply for Market) but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment. As explained in Part IV - The Auction Event, bidders will be required to remain active in each round of the auction on a specified percentage of bidding units reflected in their upfront payments in order to retain their current eligibility.

(5) Refunds

Because experience with prior auctions has shown that in most cases wire transfers provide quicker and more efficient refunds than checks, the FCC currently intends to use wire transfers for all Auction 12 refunds. To avoid delays in processing refunds, applicants should include wire transfer instructions with any refund requests they file; they may also provide this information in advance by faxing it to the FCC Billings and Collections Branch, ATTN: Regina Dorsey or William Koch, at 202-418-2843. (Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number before it can disburse refunds.)

D. Registration for the Auction

Only applicants set forth in Attachment A, who are qualified and have submitted timely and sufficient upfront payments will be permitted to register for the auction. Registration materials will only be sent to the address and contact person identified in an applicant's FCC Form 175. Registration will be completed prior to the auction. For security purposes, registration material will be sent in two

separate overnight mailings. The registration packages will include a schedule for bidding in the first week of the auction. Also, bidders who ordered the remote bidding software will receive it through these mailings. At the end of the registration mail-out process, bidders will be in possession of the following information:

- Login Name
- Login Password
- FCC Account Number (self-assigned on the FCC Form 175)
- Bidder Identification Number

After the release of the FCC Public Notice announcing qualified applicants, the auction registration process will begin. The two overnight mailings will take place within three business days of each other. Any applicant who has not received both mailings within five business days prior to the start of the auction should contact Lisa Minard at (202) 418-0660.

All applicants will be pre-registered prior to the auction event; no on-site registration will be available. Applicants who have not received the two separate registration packages will not be able to submit bids. It is the applicant's responsibility to ensure all registration information has been received.

Qualified bidders must be aware that lost login codes, passwords or bidder identification numbers can only be replaced at the FCC Auction Headquarters located at 2 Massachusetts Avenue, NE, Washington, DC 20002. Additionally, only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes.

E. Remote Electronic Bidding Software

Qualified bidders that file or amend the FCC Form 175 electronically may purchase remote electronic bidding software for \$175.00, including shipping and handling. (Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction 12.) An order form for this software is included in Attachment E.

Part IV: AUCTION EVENT

The FCC plans to begin the auction at 9:00 a.m. ET on Monday, January 13, 1997.

A. Auction Structure

(1) Simultaneous Multiple Round Auction

The Cellular Unserved Phase I and Phase II licenses will be awarded through a single, simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction.

(2) Activity Rule

As explained in Part III.C(4) above, an applicant's upfront payment determines its maximum bidding eligibility in any single round of bidding.

In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively, rather than waiting until the end of the auction before participating. A bidder that does not satisfy the activity rule either loses bidding eligibility or uses an activity rule waiver, as explained in Part IV.A(3) below.

A bidder is considered "active" on a license in the current round if it either is the high bidder at the end of the previous round's bid withdrawal period, or submits an acceptable bid (see Part IV.B(2) below) in the current round. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases as the auction progresses, as described in Part IV.A(4) below.

(3) Activity Rule Waivers

Each bidder will be provided *five* activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite current activity below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license.

The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, unless an automatic waiver is overridden, the system will automatically apply a waiver in any round where a bidder's activity level is below the minimum required. If a bidder with insufficient activity has no activity rule waivers remaining, eligibility will automatically be reduced.

If a bidder with insufficient activity prefers to reduce its bidding eligibility rather than use an activity rule waiver, it must affirmatively override the automatic waiver mechanism during the bid submission period. In this case, the bidder's eligibility is permanently reduced as described in Part

IV.A(4) below, and it will not be permitted to later regain its lost bidding eligibility.

Finally, a bidder may proactively use an activity rule waiver in a way that is not necessarily related to the bidder's activity level. If a bidder submits a **proactive** waiver during a bid submission period in which no bids are submitted, **the auction will remain open**. (Note that an **automatic** waiver invoked in a round in which there are no new valid bids will not keep the auction open.) Thus in the later rounds of the auction, if a bidder does not intend to bid but wants to ensure that the auction does not close, it should enter a proactive waiver in place of a bid.

(4) Auction Stages

The auction is composed of three stages, defined by an increasing activity rule:

Stage One: In each round of the first stage of the auction, a bidder that wishes to maintain its current eligibility is required to be active on licenses encompassing at least 60 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-thirds ($5/3$).

Stage Two: In each round of the second stage, a bidder that wishes to maintain its current eligibility is required to be active on 80 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths ($5/4$).

Stage Three: In each round of the third stage, a bidder that wishes to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty-fortyninths ($50/49$).

CAUTION: Since activity requirements increase in each auction stage, bidders must carefully check their current activity during the bid submission period of the first round following a stage transition. This is especially true for bidders who have standing high bids and do not plan to submit any new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not reverify their activity status at stage transitions. Bidders may check their activity against the required minimum activity level either by using the remote bidding software's bid submission module or by calling a telephone bid assistant.

(5) Stage Transition

The auction will start in Stage One. Under our general guidelines it will advance to the next stage (*i.e.*, from Stage One to Stage Two, then from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on ten percent or less of the spectrum being auctioned (as measured in Bidding Units). However, the FCC retains the discretion to speed up this auction by announcing, at any time, that the next stage will begin in the next bidding round.

(6) Auction Stopping Rules

Bidding generally will remain open on all licenses until bidding stops on every license. Thus, the auction will close for all licenses when one round passes in which no bidder submits a new acceptable bid on any license or applies a proactive waiver.

The FCC retains the discretion, however, to keep an auction open even if no new acceptable bids and no proactive waivers are submitted. If this occurs, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

Further, the FCC may also declare that the auction will end after a specified number of additional rounds. If the FCC invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding three rounds. The FCC does not intend to exercise this option except in extreme circumstances, such as where the auction is proceeding very slowly, there is minimal overall bidding activity, and it appears unlikely that the auction will close within a reasonable period of time. Before exercising this option, however, it would first attempt to increase the pace of the auction by moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for those limited number of licenses (and close substitutes) where there is still a high level of bidding activity. The Commission also reserves the discretion to invoke a license by license stopping rule.

(7) Delay, Suspension or Cancellation of Auction

By public notice or by announcement during the auction, the FCC may delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the FCC may, in its sole discretion, resume the auction starting from the beginning of the current or some previous round, or cancel the auction in its entirety. Network interruption may also cause the FCC to delay or suspend the auction.

B. Bidding Procedures

(1) Round Structure

Generally there will be one bidding round per day during the early portion of the auction. Each bidding round contains the following performance and review periods:

- Bid submission period
- Bid submission round results
- Bid withdrawal period
- Bid withdrawal round results

The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The FCC has the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with

bidders' need to study round results and adjust their bidding strategies. We may therefore increase or decrease the amount of time for the performance and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

(2) Minimum Acceptable Bids

There will be no minimum opening bid and no minimum bid increment for a license until the license has received an initial bid. Once there is a standing high bid on a license, the minimum bid increment for that license will be set initially at the greater of ten percent of the previous high bid or the amount of the upfront payment for that license. The Commission retains the discretion to vary the minimum bid increments in each round of the auction for individual licenses or groups of licenses by announcement prior to each round.

(3) High Bids

Each bid will be date- and time-stamped when it is entered into the computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which bids are received by the Commission, starting with the earliest bid.

(4) Bid Submission

Each bidder may submit bids only once in each round for as many licenses as it is eligible. Eligibility in the first round of the auction is determined by (a) the licenses applied for on FCC Form 175 and (b) the upfront payment amount deposited. The bid submission screens have been tailored for each bidder to include only those licenses the bidder applied for on its FCC Form 175.

Bidders who file FCC Form 175 electronically (or amend electronically by the minor correction deadline) and purchase remote electronic bidding software may place their bids and withdrawals either electronically or by telephone, as they wish or their circumstances warrant. Each electronic bidder will be required to login to the FCC auction system during the bid submission period using its FCC account number and bidder identification number, and confidential security codes provided in the registration materials. Bidders can download and print bid confirmations after they submit their bids electronically.

To place a bid by telephone, a bidder must call the FCC Bidding Line during the bid submission period. This telephone number will be provided only to qualified bidders in their registration materials. The bid operator will request the bidder's FCC account number, bidder identification number, confidential security codes, and the name of the authorized bidder. The FCC will fax a hard copy bid confirmation to those who bid by telephone.

(5) Bid Withdrawal

A high bidder that wants to withdraw one or more of its standing high bids during the course of the auction may do so during any bid withdrawal period, subject to the bid withdrawal payment specified in 47 C.F.R. § 1.2104 (g). The procedure for withdrawing a high bid and receiving a withdrawal confirmation is essentially the same as the bid submission procedure just described. To prevent a bidder from strategically delaying the close of the auction, the FCC retains the discretion to limit the number of times that a bidder may re-bid on a license from which it has withdrawn a high bid.

If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price, which may be less than or equal to (in the case of tie bids) the amount of the withdrawn bid, without any increment. The FCC will serve as a "place holder" on the license until a new acceptable bid is submitted on that license.

(6) Round Results

Upon the conclusion of each bid submission period, the FCC will compile reports of all bids placed, current high bids, and bidder status (bidding eligibility and activity rule waivers), and post the reports for public access. (See Attachment D for access information.) The process of compilation and verification is not instantaneous, but the reports will be available before the start of the bid withdrawal period.

Following each bid withdrawal period, the FCC will compile additional reports reflecting any high bids withdrawn, post-withdrawal high bids, and minimum accepted bids for the next bid submission period. Again, allow some time for compilation and verification.

Reports reflecting bidders' identities and bidder identification numbers will be available before and during the auction. Thus, bidders will know in advance of the auction the identities of the bidders they are bidding against.

(7) Auction Announcements

The FCC will use auction announcements to announce such items as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system and through the Internet and the FCC Bulletin Board System. See Attachment D for further information.

(8) Minimizing Bidding Problems

Experience in previous auctions has revealed a number of simple measures bidders should use to minimize bidding problems:

- ☞ FCC telephone bid assistants use a script carefully developed to maximize auction security and ensure accurate entry of bidding instructions. Telephonic bidders should cooperate with the assistant in following the script.
- ☞ Electronic bidders should double-check the licenses bid on, bid amounts, activity levels, and waivers/overrides entered before clicking on the "submit" button. Especially with large dollar amounts, be alert for unwanted extra decimal places. Cross-check individual bid amounts with the total amount bid as reflected on the bidding screen. An incorrect bid may result in a bidder being liable for bid withdrawal payments, should a bidder have to withdraw following the placement of such a bid.
- ☞ Electronic bidders should also be sure they do in fact click on the "submit" button at the end of their bidding session. Printing a "preview" submission verification does not reflect the submission of bids, withdrawals or waivers/overrides.

- ☞ Bid submissions and withdrawals must be processed and confirmed during the pertinent submission or withdrawal period. No bids or withdrawals will be accepted after the close of the submission or withdrawal period in each round. Processing and confirmation entails a certain amount of computer and communication time. Careful bidders should allow at least several seconds for these processes to occur. Execution of a "submit" command—either electronically or telephonically—at the very end of a submission or withdrawal period runs the risk that the instruction will not reach the FCC's auction administration computer in time to be accepted.
- ☞ Bidders should check their confirmations as soon as possible, and notify the FCC immediately of any question.
- ☞ Bidders should develop comprehensive contingency plans they can implement quickly in case they experience difficulty participating in the auction. The FCC will correct any problems caused by Commission-controlled facilities. But bidders are solely responsible for anticipating and overcoming problems such as bidder computer crashes, local telephone service interruptions, adverse local weather conditions, unavailability of authorized bidders, loss of confidential security codes, and so forth.
- ☞ Keep a copy of this Public Notice readily available during the auction event, since it answers most of the questions that are likely to arise.

(9) Other Matters

As noted in Part III.C. above, after the short-form filing deadline applicants may make only minor changes to their FCC Form 175 applications. However, permissible changes include deletion and addition of authorized bidders (to a maximum of three), and revision of exhibits. Electronic filers should make these changes on-line, and submit a letter briefly summarizing the changes to Kathleen O'Brien Ham, Chief, Auctions Division, with a copy to Lisa Minard, Auctions Division. Manual filers must send a hard-copy amendment to the address given in Part III.A(1)(b) above, plus fax a copy to 202-418-2082. Questions about other changes should be directed to the FCC Auctions Division at 202-418-0660.

Part V: POST-AUCTION PROCEDURES

A. Down Payments and Withdrawn Bid Payments

After bidding has ended, the FCC will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

Within five business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring the total amount of money on deposit with the government to 20 percent of its winning bid. See 47 C.F.R. § 1.2107(b). In addition, by the same deadline all bidders must pay any bid withdrawal amounts due under 47 C.F.R. § 1.2104(g), as discussed in Part IV.B(5) above. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

Procedures for submitting these payments are similar to those for making upfront payments, as described in Part III. E. above. A sample FCC Remittance Advice Form (FCC Form 159) and further instructions for making post-auction payments are contained in Attachment C of this Public Notice.

B. Long-Form Application (FCC Form 600)

Within ten business days after release of the auction closing notice, Phase I winning bidders must submit a properly completed FCC Form 600 application and required exhibits for **each** cellular unserved license won through the auction. See 47 C.F.R. §§ 1.2107. Further FCC Form 600 filing instructions will be provided to auction winners at the close of the auction.

C. Application Processing and Grant; Final Payments and Installment Payments

Once a high bidder has submitted its down payment and filed an acceptable FCC Form 600 application, the FCC will release a public notice announcing acceptance of the long-form application. Release of this public notice opens a 30-day period during which interested parties must file any petition to deny raising objections against the winning bidder receiving a license.

After the FCC reviews an applicant's FCC Form 600 and any petitions to deny, it will determine whether there are any reasons why the license should not be granted. If there are none it will grant the license, conditioned on timely payment for the license; otherwise it will take appropriate action.

Within five business days after notification that the license is to be granted:

- Winning bidders for Cellular Unserved Phase I and Phase II must pay the 80-percent balance of their winning bids.

Winning bidders will receive further instructions after the auction closes.

D. Refund of Upfront Money

All applicants who submitted upfront payments yet were not winning bidders for any Cellular Unserved Phase I and Phase II license may be entitled to a refund of their upfront payments after the conclusion of the auction. No refund will be made unless there are excess funds on deposit after any applicable bid withdrawal penalties have been paid.

After the close of the auction, a refund package will be delivered, via Federal Express, to these applicants at the payor address indicated in blocks 4 through 7 of the FCC Remittance Advice, FCC Form 159. The package will describe the procedures for processing a refund.

Bidders who drop out of the auction may also be eligible for a refund of their upfront payments before the close of the auction. Qualified bidders who have exhausted all their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction may submit a written refund request, along with a copy of their bidding eligibility screen print, to:

Federal Communications Commission
Attn: Regina Dorsey or William Koch
1919 M Street, N.W., Room 452
Washington, D.C. 20554

Once the request has been approved, a refund package will be sent to the address provided on the FCC Form 159.

NOTE: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact either Regina Dorsey or William Koch at 202-418-1995.

E. Default and Disqualification

Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the penalties described in 47 C.F.R. § 1.2104(g) and 1.2109. In such event the FCC may in its sole discretion re-auction the license to existing or new applicants, or offer it to the other highest bidders (in descending order). In addition, if a default or disqualification involves gross misconduct, misrepresentation or bad faith by an applicant, the FCC may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. See 47 C.F.R. § 1.2109(d).

F. Construction Requirement

Section 22.946 of the Commission's rules requires unserved area licensees to begin service to subscribers within one year after the grant of their authorizations. Failure to meet this requirement will result in termination of the authorization. Furthermore, an unserved area licensee cannot transfer its license until its system has provided service to subscribers for at least one year. See 47 C.F.R. § 22.943(b).

G. Spectrum Cap

Bidders should also be aware that cellular unserved area licenses are included in the Commercial Mobile Radio Services spectrum cap. See 47 C.F.R, §§ 20.6 and 20.9.

News Media Contact: Kara Palamaras at 202-418-0654

FCC Auctions Contact: Thomas Horan or Lisa Minard at 202-418-0660

FCC Commercial Wireless Contact: Thomas Dombrowsky at 202-418-0620

- FCC -

ATTACHMENT A

CELLULAR UNSERVED			
SUMMARY OF LICENSES TO BE AUCTIONED			
PHASE I			
<u>MARKET</u>	<u>FREQ</u>	<u>MARKET NAME</u>	<u>LICENSE NUMBER</u>
R317	B	ALASKA 3 - HAINES	CDR317B
R319	B	ARIZONA 2 - COCONINO	CDR319B
R323	A	ARIZONA 6 - GRAHAM	CDR323A
R336	B	CALIFORNIA 1 - DEL NORTE	CDR336B
R341	B	CALIFORNIA 6 - MONO	CDR341B
R344	B	CALIFORNIA 9 - MENOCINO	CDR344B
R352	A	COLORADO 5 - ELBERT	CDR352A
R386	A	HAWAII 2 - MAUI	CDR386A
R393	B	IDAHO 6 - CLARK	CDR393B
R530	A	MONTANA 8 - BEAVERHEAD	CDR530A
R532	A	MONTANA 10 - PRARIE	CDR532A
R534	A	NEBRASKA 2 - CHERRY	CDR534A
R540	A	NEBRASKA 8 - CHASE	CDR540A
R546	A	NEVADA 4 - MINERAL	CDR546A
R553	B	NEW MEXICO 1 - SAN JUAN	CDR553B
R554	A	NEW MEXICO 2 - COLFAX	CDR554A
R607	B	OREGON 2 - HOOD RIVER	CDR607B
R608	B	OREGON 3 - UMATILLA	CDR608B
R669	A	TEXAS 18 - EDWARDS	CDR669A
R673	A	UTAH 1 - BOX ELDER	CDR673A
R677	B	UTAH 5 - DAGGETT	CDR677B
R718	A	WYOMING 1 - PARK	CDR718A
R718	B	WYOMING 1 - PARK	CDR718B
R719	A	WYOMING 2 - SHERIDAN	CDR719A
R720	A	WYOMING 3 - LINCOLN	CDR720A
PHASE II			
<u>MARKET</u>	<u>FREQ</u>	<u>MARKET NAME</u>	<u>LICENSE NUMBER</u>
M269	A	MARYLAND MSA - CUMBERLAND	CDM269A
R634	B	SOUTH DAKOTA 1 - HARDING	CDR634B
UPFRONT PAYMENT FOR EACH LICENSE IN PHASE I AND PHASE II IS \$5000.			

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CELLULAR UNSERVED				
LIST OF THOSE ELIGIBLE TO APPLY FOR EACH MARKET				
PHASE I				
MARKET	MARKET NAME	FREQ	LICENSEE NAME	FILE NUMBER
R317	ALASKA 3 - HAINES	B	BRIAN BRISCOE / DELTA TRUST PARTNERSHIP	9409068135259012
R317	ALASKA 3 - HAINES	B	FAY BONDS / EPSILON TRUST PARTNERSHIP	9409068135259014
R317	ALASKA 3 - HAINES	B	GLEN NELSON / THETA TRUST PARTNERSHIP	9409068135259016
R317	ALASKA 3 - HAINES	B	GLORIA BROWN / BETA TRUST PARTNERSHIP	9409068135259010
R317	ALASKA 3 - HAINES	B	PAUL ALT / CHI TRUST PARTNERSHIP	9409068135259011
R317	ALASKA 3 - HAINES	B	PHILLIP BACH / ZETA TRUST PARTNERSHIP	9409068135259015
R317	ALASKA 3 - HAINES	B	TOBY BRUCE / ALPHA TRUST PARTNERSHIP	9409068135259006
R317	ALASKA 3 - HAINES	B	VINCENT BERGER / ETA TRUST PARTNERSHIP	9409068135259013
R319	ARIZONA 2 - COCONINO	B	BARBARA ESTRADA / ETA TRUST PARTNERSHIP	9407158862013005
R319	ARIZONA 2 - COCONINO	B	BRIAN MARSHALL / THETA TRUST PARTNERSHIP	9407158862013007
R319	ARIZONA 2 - COCONINO	B	DONNA MOSELEY / DELTA TRUST PARTNERSHIP	9407158862013003
R319	ARIZONA 2 - COCONINO	B	HELEN ANDERSON / ALPHA TRUST PARTNERSHIP	9407158862013008
R319	ARIZONA 2 - COCONINO	B	JULIE SCHULTZ / BETA TRUST PARTNERSHIP	9407158862013001
R319	ARIZONA 2 - COCONINO	B	KENNETH SIEV / CHI TRUST PARTNERSHIP	9407158862013002
R319	ARIZONA 2 - COCONINO	B	LORI NOLAN / ZETA TRUST PARTNERSHIP	9407158862013006
R319	ARIZONA 2 - COCONINO	B	MABLE ROOKS / EPSILON TRUST PARTNERSHIP	9407158862013004
R319	ARIZONA 2 - COCONINO	B	MEREDITH SPRUILL / IOTA TRUST PARTNERSHIP	9407158862013009
R319	ARIZONA 2 - COCONINO	B	COCONINO ARIZONA RSA LIMITED PARTNERSHIP	9407158862016001
R323	ARIZONA 6 - GRAHAM	A	ANNABELLE MCNAB / ALPHA TRUST PARTNERSHIP	9409138862019023
R323	ARIZONA 6 - GRAHAM	A	CORINNE GREWCOCK / ETA TRUST PARTNERSHIP	9409138862019006
R323	ARIZONA 6 - GRAHAM	A	DOROTHY RUSH / ZETA TRUST PARTNERSHIP	9409138862019004
R323	ARIZONA 6 - GRAHAM	A	GRANT RUSH / EPSILON TRUST PARTNERSHIP	9409138862019018
R323	ARIZONA 6 - GRAHAM	A	HAYDEE WALBRIDGE / DELTA TRUST PARTNERSHIP	9409138862019016
R323	ARIZONA 6 - GRAHAM	A	HILDA BROOKS / THETA TRUST PARTNERSHIP	9409138862019024
R323	ARIZONA 6 - GRAHAM	A	JOHN STEED / BETA TRUST PARTNERSHIP	9409138862019011
R323	ARIZONA 6 - GRAHAM	A	SOPHIA SKROCKI / CHI TRUST PARTNERSHIP	9409138862019010
R336	CALIFORNIA 1 - DEL NORTE	B	CHRISTINE OLSON / CHI TRUST PARTNERSHIP	9407158862011008
R336	CALIFORNIA 1 - DEL NORTE	B	DOROTHY McILWAIN / ZETA TRUST PARTNERSHIP	9407158862011004
R336	CALIFORNIA 1 - DEL NORTE	B	HOWARD ANDERSON / BETA TRUST PARTNERSHIP	9407158862011009
R336	CALIFORNIA 1 - DEL NORTE	B	JANICE MOORE / DELTA TRUST PARTNERSHIP	9407158862011007
R336	CALIFORNIA 1 - DEL NORTE	B	JOHN SCHULTZ / ALPHA TRUST PARTNERSHIP	9407158862011001
R336	CALIFORNIA 1 - DEL NORTE	B	ROBERT FORMICHI / IOTA TRUST PARTNERSHIP	9407158862011002
R336	CALIFORNIA 1 - DEL NORTE	B	RUTH PETERS / EPSILON TRUST PARTNERSHIP	9407158862011006
R336	CALIFORNIA 1 - DEL NORTE	B	WILLIAM SPRUILL / THETA TRUST PARTNERSHIP	9407158862011003
R336	CALIFORNIA 1 - DEL NORTE	B	EUGENE S. CAVERLY IV / ETA TRUST PARTNERSHIP	9407158862011005
R341	CALIFORNIA 6 - MONO	B	CONSTANCE POLLARD / ETA TRUST PARTNERSHIP	9407118862004006
R341	CALIFORNIA 6 - MONO	B	DAVID CARVER / CHI TRUST PARTNERSHIP	9407118862004003
R341	CALIFORNIA 6 - MONO	B	GARY LUDI / EPSILON TRUST PARTNERSHIP	9407118862004005
R341	CALIFORNIA 6 - MONO	B	JAMES FARRIOR / BETA TRUST PARTNERSHIP	9407118862004001
R341	CALIFORNIA 6 - MONO	B	LOIS CARVER / ALPHA TRUST PARTNERSHIP	9407118862004002
R341	CALIFORNIA 6 - MONO	B	RICHARD OPPENHEIMER / DELTA TRUST PARTNERSHIP	9407118862004004
R341	CALIFORNIA 6 - MONO	B	RUBY HICKOX / ZETA TRUST PARTNERSHIP	9407118862004007
R344	CALIFORNIA 9 - MENDOCINO	B	BONNIE TOCK / THETA TRUST PARTNERSHIP	9409138862019001
R344	CALIFORNIA 9 - MENDOCINO	B	DOROTHY RUSH / ZETA TRUST PARTNERSHIP	9409138862019003
R344	CALIFORNIA 9 - MENDOCINO	B	GRANT RUSH / EPSILON TRUST PARTNERSHIP	9409138862019019
R344	CALIFORNIA 9 - MENDOCINO	B	M. FATHI ABDUL-HAMEED / ALPHA TRUST PARTNERSHIP	9409138862019022
R344	CALIFORNIA 9 - MENDOCINO	B	MICHELLE STEED / CHI TRUST PARTNERSHIP	9409138862019009
R344	CALIFORNIA 9 - MENDOCINO	B	PHYLLIS HART / ETA TRUST PARTNERSHIP	9409138862019007
R344	CALIFORNIA 9 - MENDOCINO	B	RICHARD OPPENHEIMER / DELTA TRUST PARTNERSHIP	9409138862019015
R344	CALIFORNIA 9 - MENDOCINO	B	SHANNON BOYER / BETA TRUST PARTNERSHIP	9409138862019013
R352	COLORADO 5 - ELBERT	A	DENVER CELLULAR TELEPHONE COMPANY	9523028862040016
R352	COLORADO 5 - ELBERT	A	MCII GENERAL PARTNERSHIP	9523028862040005
R352	COLORADO 5 - ELBERT	A	N.E. COLORADO CELLULAR, INC.	9523028862040014
R386	HAWAII 2 - MAUI	A	ALAN ERICKSON / ZETA TRUST PARTNERSHIP	9409138862018014
R386	HAWAII 2 - MAUI	A	ANNE FARRIOR / CHI TRUST PARTNERSHIP	9409138862018020
R386	HAWAII 2 - MAUI	A	BRIAN MARSHALL / THETA TRUST PARTNERSHIP	9409138862018008
R386	HAWAII 2 - MAUI	A	SPENCER HAMLIN / ETA TRUST PARTNERSHIP	9409138862018013
R386	HAWAII 2 - MAUI	A	TED JOHNSON / DELTA TRUST PARTNERSHIP	9409138862018019
R386	HAWAII 2 - MAUI	A	TED PETERS / EPSILON TRUST PARTNERSHIP	9409138862018012
R386	HAWAII 2 - MAUI	A	THOMAS HAGAR / ALPHA TRUST PARTNERSHIP	9409138862018024
R386	HAWAII 2 - MAUI	A	WILLIAM THOMAS / BETA TRUST PARTNERSHIP	9409138862018021
R393	IDAHO 6 - CLARK	B	ALISON POLLARD / ZETA TRUST PARTNERSHIP	9407158862014004
R393	IDAHO 6 - CLARK	B	DEBORAH LEE / IOTA TRUST PARTNERSHIP	9407158862014006
R393	IDAHO 6 - CLARK	B	JOHN MILES / BETA TRUST PARTNERSHIP	9407158862014009
R393	IDAHO 6 - CLARK	B	JOHN POLLARD / THETA TRUST PARTNERSHIP	9407158862014007
R393	IDAHO 6 - CLARK	B	LEONID YUROVSKY / ALPHA TRUST PARTNERSHIP	9407158862014008
R393	IDAHO 6 - CLARK	B	LEROY CARVER / DELTA TRUST PARTNERSHIP	9407158862014001
R393	IDAHO 6 - CLARK	B	MICHAEL BERWALT / CHI TRUST PARTNERSHIP	9407158862014005
R393	IDAHO 6 - CLARK	B	RICHARD QUICK / ETA TRUST PARTNERSHIP	9407158862014003
R393	IDAHO 6 - CLARK	B	SHO KUWABARA / EPSILON TRUST PARTNERSHIP	9407158862014002

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CELLULAR UNSERVED				
LIST OF THOSE ELIGIBLE TO APPLY FOR EACH MARKET				
PHASE I				
R530	MONTANA 8 - BEAVERHEAD	A	MCII GENERAL PARTNERSHIP	9410148862028001
R530	MONTANA 8 - BEAVERHEAD	A	METACOMM CELLULAR PARTNERS	9410138135364003
R532	MONTANA 10 - PRAIRIE	A	FRANKIE FRYER / ZETA TRUST PARTNERSHIP	9409138862019005
R532	MONTANA 10 - PRAIRIE	A	GARY BULLA / BETA TRUST PARTNERSHIP	9409138862019012
R532	MONTANA 10 - PRAIRIE	A	MEARLE GRIFFITH / ETA TRUST PARTNERSHIP	9409138862019021
R532	MONTANA 10 - PRAIRIE	A	MICHAEL BROWN / ALPHA TRUST PARTNERSHIP	9409138862019020
R532	MONTANA 10 - PRAIRIE	A	NANCY SLAUGHTER / DELTA TRUST PARTNERSHIP	9409138862019014
R532	MONTANA 10 - PRAIRIE	A	PATRICIA PERRY / EPSILON TRUST PARTNERSHIP	9409138862019017
R532	MONTANA 10 - PRAIRIE	A	RICHARD WHITE / THETA TRUST PARTNERSHIP	9409138862019002
R532	MONTANA 10 - PRAIRIE	A	WILLIAM FREY / CHI TRUST PARTNERSHIP	9409138862019008
R532	MONTANA 10 - PRAIRIE	A	MCII GENERAL PARTNERSHIP	9409218862021003
R534	NEBRASKA 2 - CHERRY	A	GCC LICENSE CORPORATION	9525048862053002
R534	NEBRASKA 2 - CHERRY	A	N. E. COLORADO CELLULAR INC.	9525048862053001
R540	NE 8 - CHASE	A	GCC LICENSE CORPORATION	9530038862045002
R540	NE 8 - CHASE	A	N. E. COLORADO CELLULAR INC.	9530038862045001
R546	NEVADA 4 - MINERAL	A	ANNIE FARRIOR / CHI TRUST PARTNERSHIP	9407118862005004
R546	NEVADA 4 - MINERAL	A	DONALD POLLARD / ETA TRUST PARTNERSHIP	9407118862005007
R546	NEVADA 4 - MINERAL	A	DOROTHY LANTTANZIO / ZETA TRUST PARTNERSHIP	9407118862005008
R546	NEVADA 4 - MINERAL	A	ELIZABETH LESTER / EPSILON TRUST PARTNERSHIP	9407118862005006
R546	NEVADA 4 - MINERAL	A	HAYDEE WALBRIDGE / DELTA TRUST PARTNERSHIP	9407118862005005
R546	NEVADA 4 - MINERAL	A	SANDRA MILES / ALPHA TRUST PARTNERSHIP	9407118862005002
R546	NEVADA 4 - MINERAL	A	WILLIAM THOMAS / BETA TRUST PARTNERSHIP	9407118862005003
R546	NEVADA 4 - MINERAL	A	NEVADA 4 CELLULAR CORPORATION	9407118862005001
R553	NEW MEXICO 1 - SAN JUAN	B	BRUCE CARPENTER / BETA TRUST PARTNERSHIP	9409068135259024
R553	NEW MEXICO 1 - SAN JUAN	B	CHRISTEL ANDERSON / CHI TRUST PARTNERSHIP	9409068135259023
R553	NEW MEXICO 1 - SAN JUAN	B	H. FERRELL BARTON / ZETA TRUST PARTNERSHIP	9409068135259019
R553	NEW MEXICO 1 - SAN JUAN	B	ROY BURLEY / EPSILON TRUST PARTNERSHIP	9409068135259021
R553	NEW MEXICO 1 - SAN JUAN	B	RUTH NELSON / THETA TRUST PARTNERSHIP	9409068135259018
R553	NEW MEXICO 1 - SAN JUAN	B	STANLEY BUSWELL / DELTA TRUST PARTNERSHIP	9409068135259022
R553	NEW MEXICO 1 - SAN JUAN	B	THEODORE FRONCZEK / ALPHA TRUST PARTNERSHIP	9409068135259025
R553	NEW MEXICO 1 - SAN JUAN	B	WALTER BERRY / ETA TRUST PARTNERSHIP	9409068135259020
R554	NEW MEXICO 2 - COLFAX	A	GERARD SKROCKI / ALPHA TRUST PARTNERSHIP	9409138862018005
R554	NEW MEXICO 2 - COLFAX	A	JAMES FARRIOR / BETA TRUST PARTNERSHIP	9409138862018017
R554	NEW MEXICO 2 - COLFAX	A	KEITH PATTON / ZETA TRUST PARTNERSHIP	9409138862018007
R554	NEW MEXICO 2 - COLFAX	A	LOIS BONNER / ETA TRUST PARTNERSHIP	9409138862018009
R554	NEW MEXICO 2 - COLFAX	A	MARGARET HAGAR / EPSILON TRUST PARTNERSHIP	9409138862018010
R554	NEW MEXICO 2 - COLFAX	A	MICHELLE STEED / CHI TRUST PARTNERSHIP	9409138862018018
R554	NEW MEXICO 2 - COLFAX	A	NANCY SLAUGHTER / DELTA TRUST PARTNERSHIP	9409138862018011
R554	NEW MEXICO 2 - COLFAX	A	SHAILESH PATEL / THETA TRUST PARTNERSHIP	9409138862018023
R554	NEW MEXICO 2 - COLFAX	A	TRIAD CELLULAR L.P.	9409138862019025
R607	OREGON 2 - HOOD RIVER	B	DONALD POLLARD / ZETA TRUST PARTNERSHIP	9409068135259002
R607	OREGON 2 - HOOD RIVER	B	JO ANN SNYDER / THETA TRUST PARTNERSHIP	9409068135259001
R607	OREGON 2 - HOOD RIVER	B	JOHN STEED / BETA TRUST PARTNERSHIP	9409068135259008
R607	OREGON 2 - HOOD RIVER	B	MARY CASSELL / CHI TRUST PARTNERSHIP	9409068135259009
R607	OREGON 2 - HOOD RIVER	B	MARY LOU FETZKO / ALPHA TRUST PARTNERSHIP	9409068135259007
R607	OREGON 2 - HOOD RIVER	B	TED JOHNSON / DELTA TRUST PARTNERSHIP	9409068135259005
R607	OREGON 2 - HOOD RIVER	B	VALERIE EVERTS / ETA TRUST PARTNERSHIP	9409068135259003
R607	OREGON 2 - HOOD RIVER	B	WILLIAM STUTTS / EPSILON TRUST PARTNERSHIP	9409068135259004
R608	OREGON 3 - UMATILLA	B	OREGON RSA #3 LIMITED PARTNERSHIP	9411218862031002
R608	OREGON 3 - UMATILLA	B	PORT SERVICES COMPANY	9411218862031001
R669	TEXAS 18 - EDWARDS	A	GCC LICENSE CORPORATION	9523028862040007
R669	TEXAS 18 - EDWARDS	A	TEXAS #20 RURAL CELLULAR INC.	9523028862040008
R673	UTAH 1 - BOX ELDER	A	CHRISTIAN A. THURMAN ED. TRUST/THETA TRUST PTN	9406138862002002
R673	UTAH 1 - BOX ELDER	A	GREG HAGAR / ALPHA TRUST PARTNERSHIP	9406138862002007
R673	UTAH 1 - BOX ELDER	A	IDA RICHARD / CHI TRUST PARTNERSHIP	9406138862002006
R673	UTAH 1 - BOX ELDER	A	LAUREN PINCKNEY / BETA TRUST PARTNERSHIP	9406138862002005
R673	UTAH 1 - BOX ELDER	A	MARGARET HAGAR / EPSILON TRUST PARTNERSHIP	9406138862002004
R673	UTAH 1 - BOX ELDER	A	STACI FREEMAN ED. TRUST/IOTA TRUST PARTNERSHIP	9406138862002001
R673	UTAH 1 - BOX ELDER	A	VIVIAN JOHNSON / ETA TRUST PARTNERSHIP	9406138862002003
R677	UTAH 5 - DAGGETT	B	ANASTELIA KILL / BETA TRUST PARTNERSHIP	9407158862012002
R677	UTAH 5 - DAGGETT	B	CAROLE BUSWELL / CHI TRUST PARTNERSHIP	9407158862012003
R677	UTAH 5 - DAGGETT	B	DARRYL BADGEROW / ETA TRUST PARTNERSHIP	9407158862012006
R677	UTAH 5 - DAGGETT	B	DONALD POLLARD / ZETA TRUST PARTNERSHIP	9407158862012007
R677	UTAH 5 - DAGGETT	B	JOHNNY ALSTON / ALPHA TRUST PARTNERSHIP	9407158862012001
R677	UTAH 5 - DAGGETT	B	KATHRYN THIEROLF / EPSILON TRUST PARTNERSHIP	9407158862012005
R677	UTAH 5 - DAGGETT	B	LUCINDA WHITEHEAD / DELTA TRUST PARTNERSHIP	9407158862012004
R677	UTAH 5 - DAGGETT	B	MARIE BROOKS / THETA TRUST PARTNERSHIP	9407158862012008
R677	UTAH 5 - DAGGETT	B	WILLIAM SPRUILL III / IOTA TRUST PARTNERSHIP	9407158862012009
R718	WYOMING 1 - PARK	A	MCII GENERAL PARTNERSHIP	9411028862026002
R718	WYOMING 1 - PARK	A	METACOMM CELLULAR PARTNERS	9411078862027002
R718	WYOMING 1 - PARK	B	ADRIENNE WALBRIDGE / CHI TRUST PARTNERSHIP	9409138862018006

D961850B

CELLULAR UNSERVED				
LIST OF THOSE ELIGIBLE TO APPLY FOR EACH MARKET				
PHASE I				
R718	WYOMING 1 - PARK	B	AFFY CHEN / THETA TRUST PARTNERSHIP	9409138862018022
R718	WYOMING 1 - PARK	B	DOREA MCGHEE / DELTA TRUST PARTNERSHIP	9409138862018001
R718	WYOMING 1 - PARK	B	JEAN FREY / ALPHA TRUST PARTNERSHIP	9409138862018015
R718	WYOMING 1 - PARK	B	KRISTINA MANIS / EPSILON TRUST PARTNERSHIP	9409138862018002
R718	WYOMING 1 - PARK	B	LEONA BROCK / ETA TRUST PARTNERSHIP	9409138862018003
R718	WYOMING 1 - PARK	B	THOMAS FARRELL / ZETA TRUST PARTNERSHIP	9409138862018004
R718	WYOMING 1 - PARK	B	WILLIAM FREY II / BETA TRUST PARTNERSHIP	9409138862018016
R718	WYOMING 1 - PARK	B	METACOMM CELLULAR PARTNERS	9410078862025002
R718	WYOMING 1 - PARK	B	WYOMING 1 - PARK LIMITED PARTNERSHIP	9410078862025001
R719	WYOMING 2 - SHERIDAN	A	WALTER ZAREMBA	9410148862024001
R719	WYOMING 2 - SHERIDAN	A	MCII GENERAL PARTNERSHIP	9409138862050003
R720	WYOMING 3 - LINCOLN	A	DANIEL SCHERER / EPSILON TRUST PARTNERSHIP	9406138862001006
R720	WYOMING 3 - LINCOLN	A	EMILY KARY / THETA TRUST PARTNERSHIP	9406138862001007
R720	WYOMING 3 - LINCOLN	A	JERRY DAVIS / ETA TRUST PARTNERSHIP	9406138862001008
R720	WYOMING 3 - LINCOLN	A	JILLIAN QUILLEN ED. TRUST / BETA TRUST PARTNERSHIP	9406138862001005
R720	WYOMING 3 - LINCOLN	A	OTIS SHABAZZ / IOTA TRUST PARTNERSHIP	9406138862001009
R720	WYOMING 3 - LINCOLN	A	ROBIN SCHWARTZ / CHI TRUST PARTNERSHIP	9406138862001003
R720	WYOMING 3 - LINCOLN	A	THOMAS HAGAR / ALPHA TRUST PARTNERSHIP	9406138862001004
R720	WYOMING 3 - LINCOLN	A	DUBOIS TELEPHONE EXCHANGE INC.	9406138862001001
R720	WYOMING 3 - LINCOLN	A	MCII GENERAL PARTNERSHIP	9406138862001002
R720	WYOMING 3 - LINCOLN	A	METACOMM CELLULAR PARTNERS	9406278862003001
PHASE II				
MARKET	MARKET NAME	FREQ	LICENSEE NAME	
M269	MARYLAND MSA - CUMBERLAND	A	CUMBERLAND CELLULAR PARTNERSHIP	00058-CL-P2-96
M269	MARYLAND MSA - CUMBERLAND	A	FIRST CELLULAR OF MARYLAND, INC.	00482-CL-P2-96
R634	SOUTH DAKOTA 1 - HARDING	B	BADLANDS CELLULAR OF NORTH DAKOTA LIMITED PARTN	04268-CL-P2-96
R634	SOUTH DAKOTA 1 - HARDING	B	QUICK CALL CELLULAR PARTNERS	03736-CL-P2-96
UPFRONT PAYMENT FOR EACH LICENSE IN PHASE I OR PHASE II IS \$5000.				

ATTACHMENT B

GUIDELINES FOR COMPLETING FCC FORM 175 AND ELECTRONIC FILING OF FCC FORM 175

A. FCC Form 175

Because of the significance of the FCC Form 175 application to the auction, it is important to take note of the following:

Items 2-5: Give a street address (not a Post Office box number) for the applicant, suitable for mail or private delivery. **The FCC will send all registration materials to the contact person at this address.**

Item 6: This Cellular Unserved Phase I and Phase II auction will be the twelfth auction scheduled by the FCC. For "Auction No." in item 6 of FCC Form 175, applicants should enter "12."

Item 7: Applicants are required to create a ten-digit FCC Account Number, which the Commission will use to identify and track applicants:

- A bidder that has a Taxpayer Identification Number (TIN) must create this FCC account number by using its TIN, plus the prefix of '0', e.g., 0123456789. A TIN is either the Employer Identification Number (EIN) in the case of a business, or the Social Security Account Number (SSAN) in the case of an individual.
- If an applicant does not have a TIN, the applicant should use its ten-digit area code and telephone number (e.g., 5552345678) on an interim basis. However, the FCC must have a TIN before it will be able to issue a license or refund upfront payments.

Each applicant must include its FCC Account Number when submitting any amendments, additional information or other correspondence regarding its application, and must include this number on each FCC Form 159 (FCC Remittance Advice) accompanying required auction deposits or payments submitted to the Commission. This number also must be used whenever an applicant writes, calls, or otherwise inquires about its application. Applicants will also need this number to bid in the auction.

Item 8: Applicants must indicate their legal classification. Limited liability companies should check the "Partnership" box.

Item 9: A box does not need to be checked unless small business status is selected in Item 10. In this situation, the applicant should check that gross revenues are not exceeded (no gross revenue requirements were established for this auction).

Item 10: Applicants are requested to indicate their status as a rural telephone company, minority-owned business or woman-owned business, or small business so the FCC can monitor its performance in promoting economic opportunities for these designated entities.

Item 11: Applicants will have to identify on the FCC Form 175 the market number and frequency block for each of the licenses on which they seek bidding eligibility. Only those applicants who have filed a Form 464 or 464-A for a particular license and frequency block may seek bidding eligibility for that license. The market number for each MSA and RSA being auctioned, and applicants who have filed a Form 464 or 464-A for each license are listed in Attachment A. Applicants should note that the MSAs and RSAs are based on the regions established in the *1st Report and Order*, 6 FCC Rcd. 6185.

Applicants should apply for all licenses they want to be eligible to bid on in the auction, provided they have filed FCC Form 464 or 464-A for a specific license. There is no opportunity to change this list once the short-form filing deadline passes. The FCC auction system will not accept bids on licenses an applicant has not applied for on its FCC Form 175.

Note: Selecting the "All" box in the Market No. column is not a valid response unless an applicant has timely filed FCC Form 464 or 464-A for every license in this auction. An application will be considered incomplete if the "All" box in the Market No. column is checked and this criteria is not met.

Item 12: Applicants will be required to list the name(s) of the person(s) (up to a maximum of three) authorized to represent them at the auction. Only those individuals listed on the FCC Form 175 will be authorized to place or withdraw bids for the applicant during the auction.

Certifications: Applicants should read the "Certifications" listed on the FCC Form 175 carefully before signing their manually filed applications or submitting their electronically filed applications. Applicants who file their FCC Form 175 application electronically will not be required to transmit an original or electronic signature. However, by submitting the form electronically, the certifying official has made a representation that he or she is an authorized representative of the applicant for the license(s) selected, and that he or she has read the instructions and the certifications, and that all matters and things stated in the application and attachments, including exhibits, are true and correct. These certifications help to ensure a fair and competitive auction and require, among other things, disclosure to the Commission of certain information on applicant ownership and agreements or arrangements concerning the auction. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and criminal prosecution.

Contact Person: If the Commission wishes to communicate with the applicant by telephone or fax, those communications will be directed to the contact person identified on the FCC Form 175. Space is provided for a telephone number, fax number, and e-mail address. All written communications and registration information will be directed to the applicant's contact person at the address specified on the FCC Form 175. Applicants must provide a street address; no P.O. Box addresses may be used.

Signature: Manually filed Form 175s must bear an original signature. Absence of an original signature will result in dismissal of the application and disqualification from participating in the auction. Applicants filing electronically should type the name of the certifying official in the signature block.

Microfiche or Diskette Copies: Microfiche copies of manually filed FCC Form 175 and 175-S are required for all submissions in accordance with Section 22.105 of the Commission's rules. The FCC will allow submission of a 3.5-inch diskette (in lieu of microfiche) which contains **ASCII text (.TXT)** files of all documentation attached to the FCC Form 175.

Completeness: Applicants must submit all information required by FCC Form 175 and by applicable rules, including a certifying signature on manual filings. **Failure to submit required information will result in dismissal of the application and inability to participate in the auction.**

Continuing Accuracy: Each applicant is responsible for the continuing accuracy and completeness of information furnished in the FCC Form 175 and its exhibits. See 47 C.F.R. § 1.65.

B. Exhibits and Attachments

In addition to completing the FCC Form 175 (short form), applicants must submit additional information required by the FCC's rules. Although we do not require a particular organization or format for this information, we have developed the following guidelines that will facilitate the processing of short-form applications. We encourage applicants filing both electronically and manually to submit this information using the following format:

EXHIBIT A: Applicant Identity and Ownership Information. 47 C.F.R. §§ 1.2105(a)(2) requires each applicant to fully disclose the real party or parties-in-interest in an exhibit to its FCC Form 175 application. This information should provide the name, citizenship and address of all partners, if the applicant is a partnership; of a responsible officer or director, if the applicant is a corporation; of the trustee, if the applicant is a trust; or, if the applicant is none of the foregoing, list the name, address and citizenship of a principal or other responsible person.

EXHIBIT B: Agreements with Other Parties/Joint Bidding Arrangements. Applicants must attach an exhibit identifying all parties with whom the applicant has entered into partnerships, joint ventures, consortia or other agreements, arrangement or undertakings of any kind, relating to the licenses being auctioned, including any such agreements relating to post-auction market structure. 47 C.F.R. § 1.2105(a)(2)(viii).

Be aware that pursuant to Certification (4) on the FCC Form 175 the applicant certifies that it will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in the application regarding the amount to be bid, bidding strategies or the particular licenses on which the applicant will or will not bid. See 47 C.F.R. §§ 1.2105(a)(2)(ix). *To prevent collusion, the Commission's rules generally prohibit communications during the course of the auction among applicants for the same license areas when such communications concern bids, bidding strategies, or settlements.* 47 C.F.R. § 1.2105(c).

EXHIBIT C: Reference to FCC Form 464. To be eligible to participate in this auction, an applicant must have timely filed an FCC Form 464 or 464-A application. All eligible participants are listed in Attachment A. An entity that is not listed in Attachment A applying for the auction should explain its relationship to an applicant listed in Attachment A. Also, the applicant should indicate that it is a valid transferee of an interest in a cellular application. See 47 C.F.R. § 22.944.

EXHIBIT D: Miscellaneous Information. Applicants wishing to submit additional information should include it in exhibit D.

Applicants should be aware that all information required by the Commission's Rules in connection with applications to participate in spectrum auctions is necessary to determine the applicants' qualifications and, as such, will be available for public inspection. Required proprietary information may be redacted, or confidentiality can be sought pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459. Applicants requesting confidential treatment for any information required as a condition to participate in the auction must follow the procedures set out in Section 0.459 of the Commission's Rules (47 C.F.R. § 0.459). Any such requests must be manually submitted, even if the winning bidder chooses to file electronically. If filing electronically, the winning bidder must indicate in an electronic exhibit that it has a confidentiality request on file. Because the required information bears on an applicant's qualifications, the Commission envisions that confidentiality requests will not be routinely granted. An applicant's request for confidentiality must include a demonstration that it would suffer substantial competitive harm from the public disclosure of the confidential information.

Waivers: Applicants requesting a waiver of any rules must submit a statement of reasons sufficient to justify the waiver sought. See 47 C.F.R. § 22.119

Cross-References: To ensure that the FCC considers all information submitted, manual filers must list the number of Forms 175-s and the number of supplemental exhibits at the end of Item 11 on Form 175.

C. Electronic Filing of FCC Form 175

The Commission has implemented a remote access system to allow applicants to submit their FCC Form 175 applications electronically. The remote access system for initial filing of the FCC Form 175 applications will generally be available 24 hours per day beginning at approximately the same time as the release of this Public Notice. FCC Form 175 applications that are filed electronically using this remote access system must be submitted and confirmed by **5:30 p.m. ET on December 16, 1996**. Late applications or unconfirmed submissions of electronic data will not be accepted. The electronic filing process consists of an initial filing period and a resubmission period to make minor corrections.

Parties interested in filing FCC Form 175 applications electronically may do so via a (202) area code telephone service with no additional access charge or via the 900 number telephone service at a charge of \$2.30 per minute. The first minute of connection time to the 900 number service will be at no charge.

Those applicants who wish to file their FCC Form 175 electronically or review other FCC Form 175 applications on-line will need the following hardware and software:

Hardware Requirements:

- o CPU: Intel 80386 or above (80486 or faster recommended)
- o RAM: 8MB RAM (more recommended if you intend to open multiple applications)
- o Hard Disk: 12MB available disk space
- o Modem: v.32bis 14.4kbps Hayes compatible modem
- o Monitor: VGA or above
- o Mouse or other pointing device

To create backup installation disks for the FCC Form 175 Application, you will need the following:

- o 1.44MB 3.5" Floppy Drive
- o Three blank MS-DOS® formatted 1.44MB floppy disks

Software Requirements:

- o FCC Form 175 Application Software (available through the Internet and the FCC Bulletin Board System)
- o Microsoft Windows 3.1 or Microsoft Windows for Workgroups v3.11 in an enhanced mode

Note: The FCC Form 175 Application has not been tested in a Macintosh, OS/2, or Windows95 environment. Therefore, the FCC will not support operating systems other than Microsoft Windows 3.1 or Microsoft Windows for Workgroups v3.11 in an enhanced mode. This includes any other emulated Windows environment. If your Windows is in a networked environment, you should check with your local network administrator for any potential conflicts with the PPP (Point-to-Point Protocol) Dialer that is incorporated into the FCC Form 175 Application. This usually includes any TCP/IP installed network protocol.

The PPP Dialer that is incorporated into the FCC Form 175 Application will establish a point-to-point connection from your PC to the FCC Network. **THIS POINT-TO-POINT CONNECTION IS NOT ROUTED THROUGH THE INTERNET.**

Applicants who wish to file their FCC applications electronically or who wish to view other applicants' applications must first download the software from either the Internet or the FCC Bulletin Board System. Applicants must download the following compressed files to install the software:

F175V9A.EXE, F175V9B.EXE, F175V9C.EXE.

Internet Access:

In order to download the compressed files from the Internet, you will need to have access to the Internet and an ftp client software as follows:

- o **World Wide Web:** <ftp://ftp.fcc.gov>

Once you connect to the FCC ftp server, select the following directory and download the following files:

Directory: /pub/Auctions/PMRS/Auction_12/Programs

File: **F175V9A.EXE, F175V9B.EXE, F175V9C.EXE**

- o **FTP:** The following instructions are for the command line version of ftp.
 1. Connect to the FCC ftp server by typing ftp ftp.fcc.gov
 2. At the user name prompt, type anonymous [**Enter**]
 3. At the password prompt, type your Internet e-mail address [**Enter**]
 4. To allow the file to be downloaded type: binary [**Enter**]
 5. Change your current directory to the Programs directory by typing:
cd /pub/Auctions/PMRS/Auction_12/Programs [**Enter**]
 6. Use the get command to download the files from the FCC ftp server by typing:
get f175v9a.exe [**Enter**]
get f175v9b.exe [**Enter**]
get f175v9c.exe [**Enter**]
 7. If you wish to exit, type:
bye [**Enter**]

- o **Gopher:** gopher.ftp.fcc.gov or use any gopher to get to "all the gophers in the world" then 'U.S.' then 'DC' then 'FCC'.

Dial-In Access to the FCC Auction Bulletin Board System (BBS):

The FCC Auction Bulletin Board System provides dial-in access for the FCC Form 175 Application Software. In order to access the FCC Auction BBS, use a communications package that can handle at least xmodem protocol (e.g., pcAnyWhere, Telix, Procomm) to dial in to (202) 682-5851. Use the settings of 8 data bits, no parity and 1 stop bit (8,N,1).

- o **For new users follow steps 1-5, otherwise go to step 6 in the ANSI Protocol Instructions section or the Non-ANSI Protocol Instructions section (whichever is applicable):**
 1. Type New and press [**Enter**]. If the word ANSI is blinking, type Y for yes. If the word ANSI is not blinking, type N for No
 2. Type in your first and last name and press [**Enter**]. This will be your login name
 3. Type in Y and press [**Enter**] when asked to verify your login name
 4. Type in what you want your password to be and press [**Enter**]
 5. Retype the password for verification and press [**Enter**]

o **ANSI Protocol Instructions (once the account is generated):**

6. Type R for PMRS Auction Files and press **[Enter]**
7. Type A for Auction 12 and press **[Enter]**
8. Type P for Programs and press **[Enter]**
9. Type C for Current Library and press **[Enter]**
10. Move the cursor to the file named **F175V9A.EXE** and type **[Control]-D** for Download and press **[Enter]**
(You may need to change the transfer protocol first --- please see note below.)
11. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
12. Type X to return to the Programs menu. Repeat steps 10 and 11 to download the following files: **F175V9B.EXE, F175V9C.EXE**
13. Type X to return to the Programs menu, then type X again. Type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

o **Non-ANSI Protocol Instructions (once the account is generated):**

6. Type R for PMRS Auction Files and press **[Enter]**
7. Type A for Auction 12 and press **[Enter]**
8. Type P for Programs and press **[Enter]**
9. Type C for Current Library and press **[Enter]**
10. Type the letter next to the file named **F175V9A.EXE** and press **[Enter]**
11. Type D for Download now and press **[Enter]** (You may need to change the transfer protocol first -- please see the note below)
12. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
13. Repeat steps 10 through 12 to download the following files: **F175V9B.EXE, F175V9C.EXE**

14. Type X, then type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

NOTE: To download files, you will need to match the transfer protocol on your BBS account to the transfer protocol set in your terminal emulation software.

To set the BBS transfer protocol, return to the initial menu and type L for Library and **[Enter]**, P for Preferences and **[Enter]**, and

P for File Transfer Protocol and **[Enter]**.

Type the letter next to the protocol you desire and press **[Enter]**.

You may now download files.

Extracting the FCC Form 175 Application

The FCC Form 175 Application files are downloaded in a self-extracting, compressed file format. When you have downloaded **all** of the compressed files for the FCC Form 175 Application, you must extract the FCC Form 175 Application from those files. To extract the software, start File Manager in the Main Program group, open the file folder where you downloaded the files, and double-click on **F175V9A.EXE**. A message will appear listing the default directory to which the software will extract. If this directory does not exist, it will be created automatically. Press Unzip to begin extracting the software from the compressed file.

When the extraction is complete, a message will appear listing the number of files that were unzipped. Press OK and repeat the above process for the remaining compressed files (**F175V9B.EXE**, **F175V9C.EXE**). Be sure to extract to the **same** directory as the first compressed file.

Installing the FCC Form 175 Application

After you extract the software from the compressed files, you must install the FCC Form 175 Application. To install the software, start File Manager, open the file folder to which you extracted the software and double-click on **SETUP.EXE**.

When the setup program begins, a screen will appear listing the default directory to which the software will install. Press the Install button, then press OK to install to the specified directory. If the directory does not exist, the setup program will create it automatically.

When the installation is complete, a message may appear asking you to restart Windows so that the changes made by the installation may take effect. Press Restart to restart Windows, or press Stay Here to prevent the restart. Do not use the FCC Form 175 Application until you restart Windows.

Creating Backup Installation Disks for the FCC Form 175 Application

To create backup installation disks for the FCC Form 175 Application, go to File Manager, open the file folder to which you extracted the software, double-click on **backup.bat**, and follow the instructions on the screen.

Running the FCC Form 175 Application

When the installation process is complete, you will have a new Program Manager group called FCC Form 175 Application v9 with the following icons: Configure PPP, FCC Form 175 Submit, FCC Form 175 Review, Suggestion Box, and Readme.

You must verify/modify the parameters in the Configure PPP program prior to establishing a PPP connection. Please consult the readme.txt file included with the software for information regarding Configure PPP.

Double-click on an icon to start the respective system.

Uninstalling the FCC Form 175 Application

To uninstall the FCC Form 175 Application, delete the directories to which you installed the software and extracted the software, then switch to Program Manager and delete the Form 175 v9 icons and group.

For technical assistance in installing or using the FCC Form 175 Application, contact the FCC Technical Support Hotline at (202) 414-1250. The FCC Technical Support Hotline will be generally available Monday through Friday, from 9 a.m. to 6 p.m. ET.

DETAILED INSTRUCTIONS FOR USING ALL FCC REMOTE ELECTRONIC AUCTION SYSTEM SOFTWARE CAN BE FOUND IN THE README FILE ASSOCIATED WITH THE SOFTWARE AND IN THE CONTEXT-SENSITIVE HELP FUNCTION ASSOCIATED WITH EACH SOFTWARE SYSTEM.

ATTACHMENT C

UPFRONT PAYMENTS: INSTRUCTIONS FOR COMPLETING FCC REMITTANCE ADVANCE, FCC FORM 159

The following instructions are specifically written for the submission of upfront payments for the auction of Cellular Unserved Phase I and Phase II expired licenses. These instructions are intended as a supplement to the standard instructions issued by the FCC's Billings and Collections Branch, at telephone (202) 418-1995. Bidders should ensure that they complete the FCC Form 159 accurately, since mistakes may affect their bidding eligibility. Please note that it is vital that all forms, applications, correspondence, etc. submitted to the Commission by an applicant contain identical information necessary for verification purposes. To this end, appropriate references between the FCC Form 159 Remittance Advice and the FCC Form 175 Short-Form Application have been provided below:

<u>Block Number</u>	<u>Required Information</u>
1	<u>FCC Account Number</u> - Same as FCC Form 175, block "7". This is a self-assigned ten-digit personal identification number. If you have a Taxpayer Identification Number (TIN), you must add a zero (0) prefix and place the number here (<u>i.e.</u> , "0"123456789). If you do not have a TIN you may use your current ten-digit telephone number (including area code - <u>i.e.</u> , 555 335 3456).
2	Total Amount Paid - Enter the total remittance based on the payment amount. (\$5000 for each license)
3	<u>Payor Name</u> - Same as FCC Form 175, block "1". Enter the full name of the person or company (<u>i.e.</u> , maker of the check) responsible for payment.
4	<u>Street Address (Line 1)</u> - Same as FCC Form 175, block "2". The street address to which correspondence should be sent.
5	<u>Street Address (Line 2)</u> - Same as FCC Form 175, block "2". This line may be used if further identification of the address is required.
6	<u>City</u> - Same as FCC Form 175, block "3". The name of the city associated with the street address given in block (4) of the FCC Form 159.
7	<u>State</u> - Same as FCC Form 175, block "4". Enter the appropriate two-character abbreviation here.
8	<u>Zip Code</u> - Same as FCC Form 175, block "5". Enter the appropriate five-digit or nine-digit code here.

- 9 Daytime Telephone Number - Same as FCC Form 175, lower right hand corner of the page. Enter the "payor's" ten-digit telephone number here.
- 10 Country Code - Used for payors who have addresses outside the U.S. Proper codes may be obtained from the Mailing Requirements Dept. of the U.S. Postal Service.

NOTE - IF APPLICANT, LICENSEE, REGULATEE OR DEBTOR IS THE SAME AS THE PAYOR, DO NOT COMPLETE BLOCKS 11, 13, 18, 19, 20, & 21. THIS AUCTION DOES NOT INVOLVE MULTIPLE APPLICATIONS OR FILINGS, SO WE ARE CONCERNED ONLY WITH THE REMAINING BLOCKS 12A, 14A, 15A, 16A & 17A.

ITEM # "1" INFORMATION

- 12A FCC Call Sign/Other Identifier - Leave blank.
- 14A Payment Type Code - Enter " ACCU ".
- 15A Quantity - Enter the number "1".
- 16A Amount Due - Enter total upfront payment indicated in block (2).
- 17A FCC Code 1 - Enter the number "12".

NOTE - IN THE UPPER LEFT HAND CORNER OF THE FCC FORM 159 IS A RECTANGLE WITH THE WORD "(RESERVED)" TYPED IN THE MIDDLE OF IT. PLEASE ENTER THE NUMBER "358410" SOMEWHERE IN THIS RECTANGLE.

ATTACHMENT D

HOW TO MONITOR THE FCC AUCTIONS ON-LINE

The auction announcements and round results for Auction 12 will be accessible through the FCC Wide Area Network, the Internet and the FCC Auction Bulletin Board System (BBS). You can check on round results and also read any material released by the Commission during the course of the auction. This fact sheet provides the information that you need to track the auction from your computer.

Option 1.

FCC Wide Area Network: The FCC implemented a remote access system capable of allowing 500 concurrent users to dial in directly to the FCC to view round results, auction announcements and messages and to make suggestions to the FCC regarding the FCC auction process. The FCC will make the software available free-of-charge through the Internet and the Auction BBS. Installation and access instructions are included in the README.TXT associated with the software.

The remote access system software will be located in the following directory:
/pub/Auctions/PMRS/Auction_12/Programs of the FCC ftp server. The software is in a self-extracting compressed file. The file name is VIEWER3.EXE. The installation instructions for this software are located in VIEWER3.TXT located in the same directory. The file can also be downloaded from the BBS under R for PMRS Auction Files, A for Auction 12 and P for Programs. For additional information contact the FCC Technical Support Hotline at (202) 414-1250.

Recently, the Commission established a fee schedule for on-line access to the Commission's wide area network. A charge of \$2.30 per minute will be applied to a user's telephone bill when this software is used for the FCC Auction Remote Access System (this includes Auction Announcements, Messages, Suggestion Box, and Round Results Viewer).

Option 2.

Internet Access: In order to access the FCC ftp server, you will need to have access to the Internet and an ftp client software.

World Wide Web:

<http://www.fcc.gov>

Once you connect to the FCC web site, select Auctions and then Current Auction Results: Data Files.

Select the appropriate auction listed in the Download Round Results section.

Click on the file you wish to download.

OR

ftp://ftp.fcc.gov

Once you connect to the FCC ftp server, select the following directory:

/pub/Auctions/PMRS/Auction_12/Results

Click on the file you wish to download.

You can access the files through service providers such as America Online or Delphi. The files will be presented on the ftp.fcc.gov ftp Internet server. Go to this location and look for the files.

FTP: The following instructions are for the command line version of ftp.

1. Connect to the FCC ftp server by typing: **ftp ftp.fcc.gov**
2. At the user name prompt, type anonymous [**Enter**]
3. At the password prompt, type your Internet e-mail address [**Enter**]
4. To allow the file to be downloaded type: binary [**Enter**]
5. Change your current directory to the Results directory by typing:
cd /pub/Auctions/PMRS/Auction_12/Results [**Enter**]
6. Use the get command to download files from the FCC ftp server. For example, to get all bid submissions for round 10 in DBF format, type: get 12_010S.DBF [**Enter**]
7. If you wish to exit, type bye [**Enter**]

Gopher: gopher.ftp.fcc.gov or use any gopher to get to “all the gophers in the world” then ‘U.S.’ then ‘DC’ then ‘FCC’.

Option 3.

Bulletin Board System (BBS): To access auction round results through the BBS, you need a personal computer, a standard Hayes compatible modem and a communications program, like pcANYWHERE, TELIX, PROCOMM, etc. Next, dial (202) 682-5851, use the setting of No parity, 8 data bits and 1 stop bit (N,8,1).

- o **For new users follow steps 1-5, otherwise go to step 6 in the ANSI Protocol Instructions section or the Non-ANSI Protocol Instructions section (whichever is applicable):**

1. Type New and press [**Enter**]. If the word ANSI is blinking, type Y for yes. If the word ANSI is not blinking, type N for No

2. Type in your first and last name and press **[Enter]**. This will be your login name
 3. Type in Y and press **[Enter]** when asked to verify your login name
 4. Type in what you want your password to be and press **[Enter]**
 5. Retype the password for verification and press **[Enter]**
- o **ANSI Protocol Instructions (once the account is generated):**
6. Type R for PMRS Auction Files and press **[Enter]**
 7. Type A for Auction 12 and press **[Enter]**
 8. Type R for Results and press **[Enter]**
 9. Type C for Current Library and press **[Enter]**
 10. Move the cursor to the file which you would like to download, type **[Control]-D** and press **[Enter]** (You may need to change the transfer protocol first -- please see note below)
 11. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
 12. Type X to return to the Programs menu, then type X again. Type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.
- o **Non-ANSI Protocol Instructions (once the account is generated):**
6. Type R for PMRS Auction Files and press **[Enter]**
 7. Type A for Auction 12 and press **[Enter]**
 8. Type R for Results and press **[Enter]**
 9. Type C for Current Library and press **[Enter]**
 10. Type the letter next to the file which you would like to download press **[Enter]**
 11. Type D for Download now and press **[Enter]**
(You may need to change the transfer protocol first -- please see the note below)
 12. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your

terminal emulation software manual for instructions concerning how to do so.

13. Type X, then type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

NOTE: To download files, you will need to match the transfer protocol on your BBS account to the transfer protocol set in your terminal emulation software.

To set the BBS transfer protocol, return to the initial menu and type L for Library and **[Enter]**, P for Preferences and **[Enter]**, and P for File Transfer Protocol and **[Enter]**.

Type the letter next to the protocol you desire and press **[Enter]**.

You may now download files.

Round Results Files

For each round, dBase-compatible database files will be uploaded with the following naming conventions:

12_xxxS.DBF [contains all bids submitted in a particular round]
12_xxxW.DBF [contains all bids withdrawn in a particular round]
12_xxxM.DBF [contains the minimum bid increments for the next round]
12_xxxE.DBF [contains the maximum eligibility and remaining # of waivers for each bidder]
12_xxxX.DBF [contains the high bids before withdrawal in a particular round]
12_xxxY.DBF [contains the high bids after withdrawal in a particular round]

where xxx represents the round number.

For those that cannot use the dBase-compatible database files, we will also upload the ASCII text version of these files with the following naming conventions:

12_xxxS.TXT [contains all bids submitted in a particular round]
12_xxxW.TXT [contains all bids withdrawn in a particular round]
12_xxxM.TXT [contains the minimum bid increments for the next round]
12_xxxE.TXT [contains the maximum eligibility and remaining # of waivers for each bidder]
12_xxxX.TXT [contains the high bids before withdrawal in a particular round]
12_xxxY.TXT [contains the high bids after withdrawal in a particular round]

where xxx represents the round number.

The following file will be uploaded at the beginning of the auction to map the bidder number to the FCC Account Number and company name:

12_XREF.DBF [contains the bidder name, FCC account number and bidder number]

or

12_XREF.TXT [same file in text format]

This file is used to identify which bidder is associated with each bid in the submission, withdrawal and bidder eligibility files.

Round Results File Formats

The All Bids and Withdrawals file formats are identical:

<u>Field</u>	<u>Length</u>
market	4
freq_block	2
round_num	3
bid_amt	11
bidder_num	4
date	8
time	8
net_bid_amt	11
sort_col_1	4
sort_col_2	4

The High Bids Before Withdrawal and High Bids After Withdrawal file formats are identical:

<u>Field</u>	<u>Length</u>
market	4
freq_block	2
bid_round	3
bid_amt	11
bidder_num	4
date	8
time	8
net_bid_amt	11
sort_col_1	4
sort_col_2	4

Maximum Eligibility:

<u>Field</u>	<u>Length</u>
round_num	3
bidder_num	4
max_elig	11

rmng_waivr	3
waivr_ind	1

Minimum Bid:

<u>Field</u>	<u>Length</u>
market	4
freq_block	2
bid_round	3
previous_h	11
min_accept	11
sort_col_1	4
sort_col_2	4

Bidder Cross Reference:

<u>Field</u>	<u>Length</u>
bidder_num	4
fcc_account_num	10
co_name	50
bidding_credit_pctg	3

ATTACHMENT E

ASSOCIATED FEES AND ORDERING INSTRUCTIONS FOR THE FCC REMOTE ELECTRONIC ACCESS SYSTEM SOFTWARE

The FCC Remote Electronic Access System was recently developed to provide auction applicants the opportunity to fully participate in an FCC auction from their offices. The Remote Electronic Access System allows auction participants to:

1. file an FCC Form 175/600 application;
2. review other FCC Form 175/600 applications filed;
3. submit and withdraw bids;
4. receive auction messages/announcements and submit suggestions; and
5. create and download customized round results files.

The FCC issued a *Report and Order*, FCC 95-308, 60 FR 38,276 (July 26, 1995) establishing fair and reasonable fees for auction software and on-line access to the Commission's wide area network which can also be used to place and withdraw bids and access other auction information. The *Report and Order* established the following schedule of fees:

	SOFTWARE	ACCESS PER MINUTE
FCC Form 175/600 Filing	\$0.00	\$0.00
FCC Form 175/600 Review	\$0.00	\$2.30
Bid Submission	\$175.00	\$2.30
Messages/Announcements	\$0.00	\$2.30
Suggestion Box	\$0.00	\$2.30
Round Results Viewer	\$0.00	\$2.30

Payments for software must be received by the FCC no later than 11:59 p.m. ET, January 3, 1997. Send orders to: Remote Bidding Software, Auction No. 12, "Federal Communications Commission", Office of Operations, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

Payments may be made by credit card (Visa or Mastercard only) or check made payable to the Federal Communications Commission or "FCC" (see order form). Access charges will appear on the customer's long distance telephone bill.

Hardware and software requirements vary by application. See appropriate application documentation for specific requirements.

FCC Remote Electronic Access System Software Order Form

Please return this Order Form no later than 11:59 p.m. ET, January 3, 1997 to: Remote Bidding Software, Auction No. 12, FCC, Office of Operations, 1270 Fairfield Rd, Gettysburg, PA 17325-7245.

The cost of the FCC Remote Bidding Software is \$175.00. Payment may be made by credit card (Visa or Mastercard only) or check made payable to the "Federal Communications Commission" or "FCC". Only those qualified bidders that filed their FCC Form 175 applications electronically have the option of using the FCC Remote Bidding Software to participate in the auction bidding process.

Name _____

Company _____

FCC Account # _____

Address* _____

Phone Number _____

Fax Number _____

Fax Modem Number _____

Credit Card ___ Visa ___ Mastercard

Card Number _____ Expiration Date _____

Name on Card _____

Amount ___ \$175.00

Signature _____ Date _____

The software is Microsoft Windows compatible and will be provided in 3.5 inch high density diskettes. See hardware and software requirements for installation of electronic filing software in the Public Notice. A user manual will accompany your software package which will include detailed instructions for installing and using the FCC remote bidding software.

* Software packages will be delivered to the contact person at the address specified on the FCC Form 175 application filed with the Commission.

ATTACHMENT F

IMPORTANT FCC DOCUMENTS

FCC 91-306, **First Report and Order and Memorandum Opinion and Order on Reconsideration**, 6 FCC Rcd 6185, 56 Fed. Reg. 58,503 (Nov. 20, 1991).

FCC 94-61, **Second Report and Order**, 9 FCC Rcd 2348 (1994), 59 Fed. Reg. 22,980 (May 4, 1995); and **Erratum** (released May 12, 1994).

FCC 94-123, **Memorandum Opinion and Order**, 9 FCC Rcd 7387 (1994), 59 Fed. Reg. 37,163 (July 21, 1994).

FCC 94-178, **Fifth Report and Order**, 9 FCC Rcd 5532 (1994), 59 FR 37,566 (July 22, 1994).

FCC 94-212, **Third Report and Order**, 9 FCC Rcd 7988 (1994), 59 Fed. Reg. 59,945 (Nov. 21, 1994).

FCC 94-215, **Second Memorandum Opinion and Order**, 9 FCC Rcd 7245 (1994), 59 FR 44,272 (Aug. 26, 1994).

FCC 96-361, **Ninth Report and Order** (released Nov. 7, 1996).

FCC 94-295, **Memorandum Opinion and Order**, 9 FCC Rcd 7684 (1994), 59 FR 64,159 (Dec. 13, 1994).

Letter to Leonard J. Kennedy from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau (released December 14, 1994).

Letter to Jonathan D. Blake and Robert J. Rini from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, DA 95-2404 (released November 28, 1995).

Letter to Mark Grady from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, DA 96-587 (released April 16, 1996).

Letter to David L. Nace from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, DA 96-1566 (released September 17, 1996).

"Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules," **Public Notice**, DA 95-2244 (released October 26, 1995).

"Wireless Telecommunications Bureau Provides Guidance on the Anti-Collusion Rule for D, E and F Block Bidders," **Public Notice**, DA 96-1460 (released August 28, 1996)

NOTE: Some of these documents can be retrieved from the FCC Internet node or Bulletin Board. All of them can be ordered from the Commission's copy contractor, International Transcription Service, Inc., at 202-857-3800.